

PATENT APPLICATION  
Docket No: T4903(U-2383)

DECLARATION, POWER OF ATTORNEY, AND PETITION

We, Mahendra S. Rao and Tahmina Mujtaba, declare that we are citizens of the United States of America; that our residences and post office addresses are 4590 South Parkhill Drive, Salt Lake City, Utah 84124, and 11205 South 465 East, Sandy, Utah 84070, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled A COMMON NEURAL PROGENITOR FOR THE CNS AND PNS, for which a patent is sought and which is described and claimed in the specification which was filed in the United States Patent and Trademark Office as Serial No. 09/073,881 on May 6, 1998; that we have reviewed and understand the contents of the above-identified specification, and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We hereby claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed pending application, Serial No. 08/852,744 filed May 7, 1997; and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, we acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed application and the filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents: CALVIN E. THORPE, Registration No. 24,928, VAUGHN W. NORTH, Registration No. 27,930, M. WAYNE WESTERN, Registration No. 22,788, GRANT R. CLAYTON, Registration No. 32,462, ALAN J. HOWARTH, Registration No. 36,553, KARL R. CANNON, Registration No. 36,468, RANDALL B. BATEMAN, Registration No. 37,774, DAVID W. O'BRYANT, Registration No 39,793, FRANK W. COMPAGNI, Registration No. 40,567, GARRON M. HOBSON, Registration No. 41,073, and KENNETH H. TARBERT, Registration No. P43,181 with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

Alan J. Howarth  
Customer No. 020450

THORPE, NORTH & WESTERN, L.L.P.  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633  
Facsimile: (801) 566-0750

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Salt Lake, Utah, this 30<sup>th</sup> day of June 1998.

Inventor:

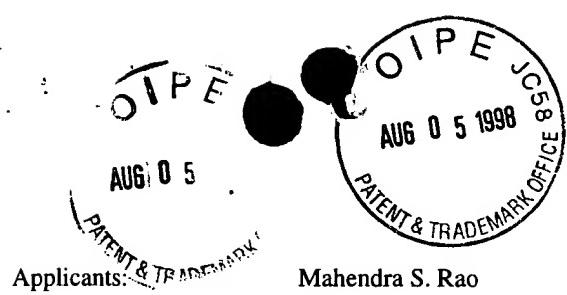
~~M. Rao~~  
Mahendra S. Rao  
4590 South Parkhill Drive  
Salt Lake City, Utah 84124

Signed at Salt Lake, Utah, this 30<sup>th</sup> day of June 1998.

Inventor:

Tahmina J. mujtaba  
Tahmina Mujtaba  
11205 South 465 East  
Sandy, Utah 84070

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PATENT APPLICATION

Applicants:

Mahendra S. Rao

Tahminá Mujtaba

Attorney:

Alan J. Howarth

Docket No.:

T4903.CIP (U-2383)

Filed or Issued:

May 6, 1998

For:

A COMMON NEURAL PROGENITOR FOR THE CNS AND PNS

**VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) and 1.27 (d))  
NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: University of Utah

ADDRESS OF ORGANIZATION: 421 Wakara Way, #170  
Salt Lake City, Utah 84108

TYPE OF ORGANIZATION:

- (x) University or other institution of higher education  
( ) Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))  
( ) Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled A COMMON NEURAL PROGENITOR FOR THE CHS AND PNS by inventors Mahendra S. Rao and Tahmina Mujtaba described in

- ( ) the specification filed herewith.  
(x) application Serial No. 09/073,881, filed May 6, 1998.  
( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)



FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Arundeep S. Pradhan

TITLE IN ORGANIZATION: Associate Director

Technology Transfer Office

ADDRESS OF PERSON SIGNING: 421 Wakara Way, Suite 170

Salt Lake City, Utah 84108

Signature: 

Date: JULY 10, 1998

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